

REMARKS

This amendment after final and request for reconsideration is intended to be fully responsive to the Final Action mailed July 21, 2003.

Claims 1, 3-5, 9-15, 19 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Baedke (USP 5,316,106). Claims 6-8 and 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Baedke '106 in view of Gabelli '748. These rejections are respectfully traversed in view of the following comments.

The Examiner has improperly defined the tubular extensions or trunnions 44, 46 of Baedke '106 to be "axle tubes". The extensions 44, 46 are integrally formed as part of the carrier assembly 12. This construction is notoriously well known in the art.

The Examiner improperly defines the trunnions 44, 46 as axle tubes, but the Examiner's definition is contrary to a commonly known term of art. In automotive applications, the term "tube" "is usually narrow in relation to its length." *See* Dictionary of Automotive Engineering, 2nd Edition, Don Goodsell. Clearly, a small trunnion is not a tube. More importantly, one of skill in the art would clearly understand that the term "axle tube" refers to elements 16, 17 of the present application and elements 16, 17 of Baedke '106. Applicant respectfully submits that the Examiner is asserting a definition of axle tube that is contrary to the notoriously well known definition used by those of skill in the art.


Amended claim 1 specifically recites a cooler that is disposed external to the at least one of the axle tubes, and amended claim 11 recites an arrangement where the cooler is mounted on

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an exterior of one of the axle tubes. The prior art fails to disclose or suggest such an arrangement. Baedke '106 discloses an axle tube but fails to disclose any cooler mounted on the axle tube. The trunnions 44, 46 of Baedke '106 cannot be interpreted to be "axle tubes" because such an interpretation is directly contrary to the structural definitions used by those of skill in the art. For these reasons, the current claims are allowable over the art of record.

It is respectfully submitted that claims 1, 3-14 and 16-20 are in condition for allowance and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution, please contact the undersigned at the number listed below.

Respectfully submitted:

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